

REMARKS

In response to the Office Action mailed March 13, 2006, the Examiner's claim rejections have been considered. Applicants have fully considered the references (Goertzel *et al.* and Mark) as potentially teaching all or part of the claimed invention. Applicants have also considered the context of the passage taught by the references as cited by the Examiner. As such, the Applicants' response is not directed to a specific portion of the cited reference, but rather to the reference as a whole. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection 35 U.S.C. § 103(a) – Claims 1-21, 23, 24, 26-68, and 70-76

Claims 1-21, 23, 24, 26-68, and 70-76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goertzel *et al.* (U.S. Patent No. 6,308,273) in view of Mark (U.S. Patent No. 5,732,133). Applicants respectfully traverse this rejection. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

Applicants respectfully submit that Goertzel and Mark, alone or in combination, do not teach, suggest, or disclose a system for enabling remote access to an application server that includes "a first number authentication system that determines a physical location of an originating number to prevent a user from connecting to the access server from a physical location other than the user location." More specifically, the first number authentication system prevents a person from attempting to gamble in an unauthorized jurisdiction by calling or forwarding calls to a venue that does allow gambling and falsely originating the call from such venue. That is, the authentication system determines whether the actual number dialed is the first number (i.e., originating phone number). For example, the number authentication system prevents a user, located in California, from originating a call in California to a phone number in Nevada, and then using the Nevada phone number to place a wager at a Nevada casino.

As noted by the Examiner, Goertzel does not teach or disclose a number authentication mechanism providing anti-circumvention protection. Additionally, Applicants respectfully submit that the Mark reference does not make up for this deficiency. The Mark reference merely teaches and discloses a system for selecting and generating telephone access numbers for limiting access to long distance telephone service. That is, Mark teaches a secured system having a handheld auto-dialer that is capable of accessing long distance telephone service. The system includes a system clock and a plurality of telephone access numbers, each of which is capable of accessing the telephone service at a randomly selected time. Mark teaches that unauthorized access of telephone services by using an invalid number causes the telephone system to inhibit the completion of the call and then traces the call to determine the origin of the offending call.

However, Applicants submit that the Mark system does not provide any anti-circumvention protection that “determines a physical location of an originating number to prevent a user from connecting to the access server from a physical location other than the user location.” While the Mark reference teaches that a call may be traced, Applicants submit that the Mark reference does not teach how an unauthorized call may be traced through multiple numbers. Referring back to the previous example, the system in Mark may determine that the phone number in Nevada was used to access the telephone system, but the Mark telephone system would not be able to determine that the call in Nevada was originated from a phone number located in California. As such, Applicants submit that the Mark reference would not be able to determine that the caller was actually located in California, rather than Nevada, since the Mark reference is silent as to the use of any anti-circumvention technology used to trace a phone number. In short, Mark does not teach the use of anti-circumvention protection based upon physical location because this reference is not directed to solving the problem of people accessing a system from an unauthorized jurisdiction. Rather, the Mark reference is focused on preventing individuals from hacking into a telephone system and making unauthorized long distance phone calls (i.e., theft of long distance services). In sharp contrast, the claimed invention is directed to preventing a person from remotely accessing a gambling system from an unauthorized jurisdiction.

Moreover, Applicants submit that there is no motivation to combine the Goertzel and Mark references. “The reason, suggestion, or motivation to combine [prior art references] may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references are of special interest or importance in the field; or 3) from the nature of the problem solved, ‘leading inventors to look to references relating to possible solutions to that problem.’” Ruiz v. AB Chance Co., 234 F.3d 654,6654 (Fed. Cir. 2000) (quoting Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1572 (Fed. Cir. 1996)).

As the Examiner points out, the Goertzel reference does not disclose a number authentication system providing anti-circumvention protection. Accordingly, there is no motivation to combine these references because these references are directed to solving problems different from the claimed invention. The Goertzel reference is directed to solving the problem of unauthorized access to a secured network based upon the user’s connection type or communication link to the network. The Mark reference is directed to solving the problem of unauthorized access to telephone services. More specifically, the Mark reference teaches a handheld auto-dialer and related system that “encrypts calling card and other data...by selectively altering pre-selected characteristics of a DTMF tone sequence.” (See, col. 5, line 66- col. 6, line 7).

Applicants submit that these references are directed to solving problems very different from each other, as well as, being different from the claimed invention. The Goertzel reference is directed to restricting access to a secured server based upon the type of user connection. The Mark reference is directed to preventing unauthorized access to telephone services by an unauthorized user (i.e., theft of services). In contrast, the claimed invention is directed to ensuring that an authorized user is in a physical location (within a legal jurisdiction) that allows remote gambling. A person of ordinary skill in the art would not look to the Mark reference for anti-circumvention technology related to physical location. That is, Mark does not teach that access to remote services may be restricted based upon physical location.

Because the Goertzel and Mark references fail to teach or suggest all of the claimed elements, Applicants respectfully request the rejection be withdrawn. Accordingly, Applicants

respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 1-21, 23, 24, 26-68, and 70-76 has been overcome.

2. Claims Rejections - 35 U.S.C. §103(a) – Claims 22, 25, and 69


Claims 22, 25, and 69 stand rejected as being unpatentable over Goertzel *et al.* (U.S. Patent No. 6,508,710). According to a teleconference with the Examiner on November 21, 2005, U.S. Patent No. 6,508,710 was improperly cited. Rather, the rejection is based on Goertzel *et al.* (U.S. Patent No. 6,308,273) and Mark (U.S. Patent No. 5,732,133). Applicants respectfully traverse this rejection. In light of the arguments submitted in Section I of this response, Applicants submit that the dependent claims 22, 25, and 69 are not obvious in view of Goertzel and Mark, because these references, alone or in combination, fail to teach, suggest, or disclose “a number authentication system that determines an actual location of the user and provides anti-circumvention protection that prevents activation of a dialer from a physical location other than the user location.” Moreover, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability. Accordingly, the Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 22, 25, and 69 as unpatentable over Goertzel and Mark has been overcome.

CONCLUSION

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, reconsideration and allowance of all of claims 1-21, 23, 24, 26-68 and 70-76 are believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8323. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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Andrew B. Chen
Reg. No. 48,508
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
1880 Century Park East, 12th Floor
Los Angeles, CA 90067-1621
(310) 712-8323 telephone
(310) 712-8383 facsimile